

Appn No. 10/728,803
Amdt. Dated June 9, 2006
Response to Office Action of April 4, 2006

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REMARKS/ARGUMENTS

In response to the Examiner's Office Action of April 4, 2006 the Applicant respectfully submits the accompanying Amendment to the claims and the below Remarks.

Regarding Amendment

In the Amendment:

independent claims 1 and 19 are amended to clarify that due to the number of layers forming the electrodes exceeding the number of layers forming the heater element, a thickness of each of the electrodes is greater than a thickness of the heater element. Support for this amendment can be found, for example, at page 11, lines 24-30, page 15, lines 20-37 and page 18, lines 4-12 of the present specification;

dependent claims 9 and 28 are cancelled;

dependent claims 18 and 37 are amended to delete the term "substantially" from the recitations "each heater element is substantially covered" and "applied to substantially all sides of the heater element";

dependent claims 2-8, 10-17, 20-27 and 29-36 are unchanged; and

withdrawn claims 38-54 are cancelled.

It is respectfully submitted that the above amendments do not add new matter to the present application.

Regarding Claim Objections

It is respectfully submitted that the above-described amendments to claims 18 and 37 to delete the term "substantially", provides the correction required by the Examiner.

Regarding 35 USC 112, first paragraph Rejections

It is respectfully submitted that the above-described amendment cancelling claims 9 and 28 overcomes the Examiner's rejections with respect to the subject matter claimed therein.

Regarding 35 USC 102(b) Rejections

It is respectfully submitted that the subject matter of above-described amended independent claims 1 and 19, and the claims dependent therefrom, is not disclosed by Kubby (US 5,706,041), for at least the following reasons.

In the present invention, the electrodes 15 are formed of the first and second heater layers 38 and 40 of heater material whilst the heater element 10 is formed only of the first heater layer. In this way, the electrodes are much thicker than the heater element so that most of the electrical resistance is provided by the element, and as such nearly all of the power consumed in operating the heater 14 is dissipated via the heater element 10 (see page 11, lines 24-30, page 15, lines 20-37 and page 18, lines 4-12 of the present specification).

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On the other hand, the conductors 24 and the suspended portion 18 disclosed by Kubby are clearly formed from as a single layer, with the suspended portion including doped regions 20 and 22 within that layer (see col. 3, line 50-col. 4, line 4 and Figs. 1 and 2 of Kubby). Thus, Kubby does not disclose, nor suggests, forming each conductor of more layers than the suspended portion so that each conductor is thicker than the suspended portion.

Therefore, the subject matter of amended independent claims 1 and 19, and claims 2-8, 10-18, 20-27 and 29-37, is not disclosed nor suggested by Kubby.

Regarding 35 USC 102(e) Rejections

The Examiner is respectfully requested to withdraw the rejections of claims 1-37 over Silverbrook (US 6,692,108) because Silverbrook is not applicable as prior art against the present application under 35 USC 102. This is because, the present application claims benefit to the filing date of November 23, 2002 of the parent application USSN 10/302,274 which is of even date with the filing date of November 23, 2002 of Silverbrook.

Regarding 35 USC 103(a) Rejections

It is respectfully submitted that the subject matter of above-described amended independent claims 1 and 19, and claims 2-8, 10-18, 20-27 and 29-37 dependent therefrom, is not taught or suggested by Kubby in view of any one or more of the further cited references in DeMoor (The Fabrication and Reliability of Testing of Ti/TiN Heaters), Silverbrook (US 5,841,452), Feinn et al. (US 6,543,879) and Kashino et al. (US 5,534,898), because none of the disclosures of the further cited references would motivate one of ordinary skill in the art to form each conductor of Kubby of more layers than the suspended portion so that each conductor is thicker than the suspended portion.

It is respectfully submitted that all of the Examiner's objections and rejections have been traversed. Accordingly, it is submitted that the present application is in condition for allowance and reconsideration of the present application is respectfully requested.

Very respectfully,

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